

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-3018

United States of America,

Appellee,

v.

Willie E. Clark,

Appellant.

*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: January 28, 2003

Filed: February 3, 2003

Before McMILLIAN, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit
Judges.

PER CURIAM.

Willie E. Clark, a federal inmate, appeals from the district court's¹ order of involuntary commitment under 18 U.S.C. § 4245. We affirm.

¹The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri, adopting the report and recommendations of the Honorable James C. England, United States Magistrate Judge for the Western District of Missouri.

We conclude that the district court did not clearly err in finding that Mr. Clark suffers from a mental disease or defect for which he requires care and treatment in a suitable facility. The report of the government's expert--which was uncontradicted by any evidence submitted on Mr. Clark's behalf--satisfied the government's burden of proof. See United States v. Steil, 916 F.2d 485, 487 (8th Cir. 1990) (standard of review); 18 U.S.C. § 4245(d) (burden of proof). Mr. Clark's Sixth Amendment ineffective-assistance argument is misplaced in this section 4245 proceeding, see United States v. Veltman, 9 F.3d 718, 720-21 (8th Cir. 1993) (right to counsel in § 4245 proceedings is statutory), cert. denied, 511 U.S. 1044 (1994); and in any event, Mr. Clark has not shown that counsel performed deficiently.

Accordingly, we affirm, and we grant counsel's motion to withdraw. We also deny Mr. Clark's pending motions.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.